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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 JAMES MICHAEL BIELA,

12 Petitioner,

13 v.

14 WILLIAM GITTERE, Warden, Ely State
Prison, and AARON D. FORD, Attorney
15 General of the State of Nevada,

16 Respondents.

Case No. 3:20-cv-00026-GMN-WGC

**STIPULATION AND ORDER TO
EXTEND TIME TO FILE SECOND
AMENDED PETITION, AND TO
EXTEND THE PERIOD OF
EQUITABLE TOLLING**

(DEATH PENALTY CASE)

STIPULATION

Petitioner James Biela, through counsel Heather Fraley, Assistant Federal Public Defender, and Respondent William Gittere, et al, through counsel Heather Procter, Chief Deputy Attorney General, hereby stipulate as follows:

- Mr. Biela will have until August 30, 2021 to file his second amended petition;
- The period of equitable tolling in this case will be extended 60 days, so Mr. Biela's second amended petition will be deemed timely under 28 U.S.C. § 2244(d) so long as it is filed by August 30, 2021.

Despite Mr. Biela's diligent efforts to prepare his petition throughout the COVID-19 pandemic, additional time is necessary to complete investigation, follow up on recently discovered leads, and finish gathering records. In sum, the extraordinary circumstances related to the COVID-19 justify an additional 60 days of equitable tolling on this case.

DATED this 4th day of June, 2021.

RENE L. VALLADARES
Federal Public Defender

AARON FORD
Nevada Attorney General

/s/ Heather Fraley
HEATHER FRALEY
Assistant Federal Public Defender

/s/ Heather Procter
HEATHER PROCTER
Chief Deputy Attorney General

IT IS SO ORDERED



U.S. District Judge Gloria Navarro

DATED 7, 2021.